

Message

From: Deegan, Dave [Deegan.Dave@epa.gov]
Sent: 5/7/2018 8:07:50 PM
To: R1 Executives All [R1ExecutivesALL@epa.gov]
Subject: FW: News Clips - 7 May 2018

From: Hassell, Emily
Sent: Monday, May 7, 2018 4:07:44 PM (UTC-05:00) Eastern Time (US & Canada)
To: AO OPA OMR CLIPS
Subject: News Clips - 7 May 2018

(Full stories, highlights, and details are listed further down in the email, and can be jumped to by clicking on any of the links below.)

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Daily Caller

<http://dailycaller.com/2018/05/07/media-trump-epa-foia/>

Media Take Aim At Trump's EPA For Doing What Obama Used To Do With FOIAs

By Chris White, 5/7/18, 1:10 PM

Politico buried crucial context in a report Sunday about the Environmental Protection Agency's decision to screen more thoroughly public records requests related to the embattled administrator Scott Pruitt.

The report suggests the EPA is scrutinizing Freedom of Information requests seeking information about Pruitt. The fact that the agency enacted a similar review process under former President Barack Obama is not mentioned in Politico's article until several paragraphs down.

FOIA experts claim the EPA ratcheted up its vetting process during the first year of the Trump-era, according to Politico. "This does look like the most burdensome review process that I've seen documented," Nate Jones, director of the FOIA Project at George Washington University, told Politico.

The new process, according to internal emails Politico obtained, involve "awareness reviews" or "senior management reviews" political staffers conducted before the agency releases essentially any documents. Pruitt's political appointees also chastised employees who released documents without having them screened first, according to the Politico report.

This is not the first time the EPA has been roiled in a scandal involving FOIA requests. The agency granted fee waivers in 2012-2013 for 75 out of 82 requests filed by environmental groups, according to EPA records obtained the Competitive Enterprise Institute in May 2013. Obama's EPA denied only seven of them — meaning green groups saw their fees waived 92 percent of the time.

At the same time, the agency frequently denied fee waivers to conservative groups. EPA records show the agency rejected or ignored 21 out of 26 fee waiver requests from such conservative groups as the Competitive Enterprise Institute, the Institute for Energy Research, and Judicial Watch — an 81 percent rejection rate.

The Politico report comes after various media outlets revealed that Pruitt allegedly spent big on first-class travel. The New York Times published a report in April, for instance, suggesting at least five EPA officials were placed on leave for opposing spending requests on proposals such as a \$100,000-a-month private jet membership.

Pruitt also reportedly racked up nearly \$90,000 in-flight expenses in June 2017. He traveled to Italy in June for meetings at the Vatican and to attend a summit with international energy ministers, CBS noted in a Feb. 13 report. The round-trip business-class flight cost at least \$7,000, according to the report. Career bureaucrats at the EPA are joining in the barrage.

CNN

<https://www.cnn.com/2018/05/07/politics/epa-pruitt-memos-waivers-first-class/index.html>

EPA gives Congress limited justifications for Pruitt's first-class travel

By Sara Ganim and Gregory Wallace, 5/7/18, 2:36 PM

Washington (CNN) - Documents provided to Congress fail to show Scott Pruitt got federally required waivers to fly first class -- and if he did, then his office has twice declined to hand them over to fellow Republicans asking for the verification.

Instead, in response to two requests for the waivers, the Environmental Protection Agency provided investigators with only two memos, according to the House Oversight Committee.

CNN separately obtained the memos, which state that people have recognized Pruitt and the occasional "lashing out from passengers" could "endanger his life" if he continues to fly in coach.

The limited nature of the two memos, along with a past claim by his spokesman, suggests the EPA administrator violated federal rules by failing to obtain a justification for the upgrades before each trip.

The EPA has previously defended Pruitt's travel and security arrangements, but did not respond to questions from CNN about the memos or whether Pruitt obtained the required waivers.

Pruitt had been asked twice -- in February and April -- by House Oversight Chairman Trey Gowdy, a fellow Republican, to provide any waivers exempting him from regulations requiring federal employees to typically fly in standard coach seats.

The two memos were part of 1,700 pages of documents turned over at the request of South Carolina's Gowdy. The documents include vouchers for all of Pruitt's official travel since he was confirmed and for EPA, vouchers for staff who went on international trips to Italy and Morocco, emails regarding Pruitt's lease of a room from a lobbyist's wife, and EPA correspondence between that lobbyist and other employees of his firm.

In addition, Gowdy's office was able to review travel vouchers for members of Pruitt's security detail, according to his office.

The flights are among several alleged ethical transgressions or questionable spending practices that have landed Pruitt in the spotlight of multiple investigative bodies, including Gowdy's committee, the EPA inspector general, and the Government Accountability Office.

Gowdy's request for the waivers was prompted by a Politico article from February in which EPA spokesman Jahan Wilcox said Pruitt was granted a "blanket waiver" to travel in first class for security reasons.

The next day, Wilcox's story changed. Politico reported that federal regulations specifically prohibit "blanket authorization, and Wilcox changed his statement, saying a waiver was submitted "for every trip."

While the EPA has not provided detailed waivers, it has handed over more than 1,700 pages of documents in response to multiple requests relating to Pruitt's travel habits, unprecedented security, and sweetheart condo deal from an energy lobbyist, according to Gowdy's office.

But one memo indicates there was only one request for a waiver. It's dated May 1, 2017, and is a request from the acting security chief that Pruitt "be strategically seated in business and or first class seating when on official travel."

"We have observed and (sic) increased awareness and at times lashing out from passengers which occurs while the Administrator is seated in coach with PSD (Protective Services Detail) not easily accessible to him due to uncontrolled full flights," the memo reads.

"Therefore, we believe that the continued use of coach seats for the Administrator would endanger his life," the memo continues.

The second memo is a response from Acting Controller Jeanne Conklin, whose office oversees compliance with spending regulations.

Conklin wrote she "determined your request complies with criteria" for allowing first or business class seats, and pointed the Administrator's office to a specific paragraph of government travel regulations.

That paragraph states upgraded travel is allowed if "use of coach-class accommodations would endanger your life or Government property."

That regulation also requires the justification for upgraded seats be prepared for each trip.

"Blanket authorization of other than coach-class transportation accommodations is prohibited and shall be authorized on an individual trip-by-trip basis, unless the traveler has an up-to-date documented disability or special need," the regulation reads.

Politico

<https://www.politico.com/story/2018/05/06/pruitt-epa-document-requests-570289>

EPA clamps down on document requests linked to Pruitt

By Alex Guillen, 5/6/18, 6:48 AM

Top aides to Scott Pruitt at the Environmental Protection Agency are screening public records requests related to the embattled administrator, slowing the flow of information released under the Freedom of Information Act — at times beyond what the law allows.

Internal emails obtained by POLITICO show that Pruitt's political appointees reviewed documents collected for most or all FOIA requests regarding his activities, even as he's drawn scrutiny for his use of first-class flights and undisclosed dealings with lobbyists.

While past administrations have given similar heads-ups to political aides for certain records requests, FOIA experts say this high-level vetting at EPA appears to have increased compared with the Obama era.

"This does look like the most burdensome review process that I've seen documented," said Nate Jones, director of the FOIA Project at The George Washington University's National Security Archive.

The emails also show Pruitt's aides chastising career employees who released documents about the administrator without letting them screen the records first. Meanwhile, several environmental groups say the agency has told them that political staffers' document reviews have delayed releases past legal deadlines.

The new processes described in the emails involve "awareness reviews" or "senior management reviews" conducted by top political staffers before the agency releases essentially any documents involving the administrator. The emails also show Pruitt's political appointees chastising career employees who released documents in accordance with FOIA without letting them screen the records first.

EPA sometimes conducted those types of reviews under the Obama administration when career staff thought documents would generate a lot of interest, agency officials from that era told POLITICO. But under Pruitt, the vetting by

EPA chief of staff Ryan Jackson and other key appointees of any documents linked to the administrator appears to be on the rise, according to FOIA experts who reviewed the emails.

The increased scrutiny comes as the agency faces a wave of accusations of excessive secrecy. EPA has declined to provide information about Pruitt's public appearances in advance — a practice at odds with those of many other Cabinet members and the White House. And the agency releases his detailed calendars only when compelled by lawsuits.

That secrecy has prompted a boom in FOIA requests filed with the agency and lawsuits challenging its resistance to releasing information to the public. As POLITICO reported in February, production of documents under FOIA requests from Pruitt's office is drastically lower than the rest of EPA.

The newly released emails, which EPA gave to the Natural Resources Defense Council following legal action, show Jackson created a pilot program to "centralize" requests that go through the various suboffices that make up EPA's Office of the Administrator. The emails show that the political aides weren't just concerned about streamlining the FOIA process — they wanted to know about any requests anywhere at EPA that involved Pruitt.

In one exchange from last August, Jackson and Liz Bowman, the head of EPA's Office of Public Affairs, expressed concern about documents related to comments Pruitt made on CNBC disputing that carbon dioxide from human activities was the primary cause of climate change. Those documents had been released to E&E News without first going through their review.

"Why did Kevin Bogardus from E&E all of a sudden get a response to a FOIA today, without any awareness from our FOIA office?" Bowman wrote Aug. 2. She later added that the response "wasn't due until 8/30."

Officials quickly determined that the request had been filled by a career employee before Bowman had a chance to flag it "for attention." Although the request involved Pruitt, the records sought by E&E were kept at EPA's Office of Research and Development, and the request was routed there before being released by a FOIA expert from that office.

Anything related to Pruitt "will draw inquiries from press," Jackson replied, and he requested that he and the public affairs office be notified ahead of any Pruitt-related release from any EPA office.

The message was received loud and clear by EPA's career staff.

"I have instructed my staff that no [Office of the Administrator] requests are to be issued without the opportunity for an awareness review by you, [the Office of Public Affairs] and the senior leadership of any other affected offices," Becky Dolph, the head of a special team of FOIA experts in EPA's Office of General Counsel, wrote to Jackson later that day.

Emails sent later that month showed Jackson pressing staff on why documents related to a coal plant water pollution rule were already available online just one day after an awareness review began.

The documents were "inadvertently" posted, replied Kevin Minoli, then EPA's acting general counsel, who added that the process would be changed so that "nothing is uploaded at all until we have the final set of documents and their production has been authorized."

None of the emails given to the NRDC reveal exactly what actions the political staffers conducting these reviews took.

NRDC attorney Aaron Colangelo said he asked EPA for details about the reviews after an EPA attorney told him that "awareness reviews" were delaying the release of documents in other FOIA requests filed by the environmental group. Those requests were related to Pruitt's participation in ongoing legal cases that he'd previously been involved in during his time as Oklahoma's attorney general.

Colangelo and other FOIA experts said federal agencies have discretion to set up their own internal FOIA processes, and the political reviews are not illegal — unless the reviews caused EPA to miss deadlines for producing documents set out in the Freedom of Information Act.

“There’s nothing necessarily wrong with political folks getting a heads-up before potentially sensitive documents are released,” Colangelo said in an interview. “But we do have a legitimate objection if that political review delays compliance with deadlines in the law.”

And that has happened for at least two of the NRDC’s Pruitt-related FOIA requests, he said.

Another request from a coalition of environmental groups for documents about Pruitt’s delay of a rule limiting water pollution from coal plants was held up over a “senior management review.”

A judge mediating the lawsuit over that delay, Valerie Caproni of the U.S. District Court for the Southern District of New York, said during November proceedings that while EPA “can do whatever internal policies in particular they want on FOIA,” the agency cannot use political reviews to justify missing legal deadlines.

EPA still has to “comply with the law, and that means they have to produce documents in a timely way,” she said. EPA eventually handed over the documents in that case.

It’s not clear exactly how many FOIA requests have been delayed by political reviews, but experts say it is clearly having an impact.

Several Obama-era EPA political officials said they too occasionally received “heads-up” awareness reviews on high-profile requests, but not necessarily to the degree that Pruitt’s aides are doing them.

“It doesn’t seem abnormal to me that some political would get a chance to have review for awareness of productions that are going out that involve the administrator,” said one former official. But the close attention from top-ranking officials like Jackson and former policy chief Samantha Dravis seemed “a little bit odd,” the former official added.

Instead, awareness reviews generally went to the head of the agency program office in question and to congressional affairs staffers so they could coordinate with any requests from lawmakers, the former official said.

One Obama-era awareness review that was included in the new documents showed that a large batch of documents related to the Flint, Michigan, lead crisis was flagged to political officials in the Office of Water and the congressional affairs office, as well as the general counsel, the regional administrator and a public affairs official.

Bowman, the EPA spokeswoman, did not comment on questions from POLITICO about the political oversight of FOIA requests, but she noted that the Trump administration was not the first to use them.

“Each EPA program and Region does their own FOIAs, so an awareness review allows the press office, Congressional Affairs Office and senior officials to be informed of documents being released in response to FOIA requests, to facilitate inter-office coordination, and to prepare responses to inquiries,” she said.

Thomas Cmar, an Earthjustice attorney involved in multiple FOIA lawsuits with EPA, said the emails raise as many questions as they answer.

“Political staff appear to be keeping a very close eye on what information is being requested and released to the public,” he said. “It raises concerns and it raises questions that need to be answered about whether EPA is living up to its obligations to make basic information about its activities available to the public that it’s supposed to be serving.”

New York Times

https://www.nytimes.com/2018/05/07/climate/epa-pruitt-emails-secrecy.html?rref=collection%2Ftimestopic%2FEnvironmental%20Protection%20Agency&action=click&contentCollection=timestopics®ion=stream&module=stream_unit&version=latest&contentPlacement=1&pgtype=collection

E.P.A. Emails Show an Effort to Shield Pruitt From Public Scrutiny

By Eric Lipton and Lisa Friedman, 5/7/18

WASHINGTON — The invitation-only breakfast at the Mandarin Oriental Hotel in Washington gathered 250 executives from the nation's largest electric utilities, assembled in a ballroom to meet with Scott Pruitt, who a month before had started his new job as chief of the Environmental Protection Agency.

Mr. Pruitt had spent the previous six years as Oklahoma's attorney general attacking E.P.A. regulations in court, often in coordination with energy giants. Now he ran the agency, and he was ready to lay out his vision for the energy executives. "Whoever said you can't have your cake and eat it too, doesn't know what to do with cake," Mr. Pruitt said, according to a speech prepared for the March 2017 event.

Details from the breakfast, and dozens of other official appearances from Mr. Pruitt's scandal-plagued first year at the E.P.A., have until now been hidden from public view as a result of an extraordinary effort by Mr. Pruitt and his aides to maintain strict secrecy about the bulk of his daily schedule.

But a new cache of emails covering most of Mr. Pruitt's first year heading the E.P.A. shows that the agency's close control of his public events is driven more by a desire to avoid tough questions from the public than by concerns about security, contradicting Mr. Pruitt's longstanding defense of his secretiveness.

The more than 10,000 documents, made public as part of a Freedom of Information lawsuit by the Sierra Club, an environmental organization, offer visibility for the first time not only into many of Mr. Pruitt's appearances nationwide but into the agency's aggressive concealment of his activities as a public servant. The files show an agency focused on dividing people into "friendly and "unfriendly" camps and which, on one occasion, a secret visit to a Toyota plant, became so focused on not disclosing the trip that his hosts expressed confusion about the publicity value of the visit.

In another instance, planning what was billed as a "town hall" discussion for farmers in Iowa, the E.P.A. emails show that the chief concern among Mr. Pruitt's top aides to control who would actually be allowed to ask him questions. Ultimately, the agency scripted questions for Mr. Pruitt to answer from the stage.

"The security aspect is smoke and mirrors," said Kevin Chmielewski, Mr. Pruitt's former deputy chief of staff for operations, who is one of several former E.P.A. officials who have said that they were fired or sidelined for disagreeing with Mr. Pruitt's management practices. "He didn't want anybody to question anything," Mr. Chmielewski said, adding that Mr. Pruitt "just doesn't understand what it's like to be a public figure."

Three other current and former agency officials, who asked not to be identified because they still work for the government, expressed similar views.

The E.P.A. did not respond to requests for comment about the documents, which detail Mr. Pruitt's plans for travel and appearances nationwide. In the past, E.P.A. officials have said that Mr. Pruitt has faced an unprecedented number of death threats, which account for the size of his security force and the agency's refusal to make public his daily schedule. Mr. Pruitt testified before Congress last month that Mr. Chmielewski had resigned.

All politicians are attuned to image-building, of course, and employ staffs whose job is to control the environments in which they appear. Mr. Pruitt, though, has carried the practice to an extreme.

Breaking with all of his predecessors at the E.P.A. for the last 25 years, as well as other members of President Trump's cabinet, he does not release a list of public speaking events and he discloses most official trips only after they are over.

Mr. Pruitt doesn't hold news conferences, and in one episode, journalists who learned of an event were ejected from the premises after an E.P.A. official threatened to call the police.

The E.P.A. also declined to make public a copy of Mr. Pruitt's detailed calendar until it was sued by The New York Times and other organizations.

More recently, the agency moved to require that any documents related to Mr. Pruitt that are gathered as a result of Freedom of Information requests be provided to his political aides 48 hours in advance for an "awareness review" before they are made public, "to insure that leadership is aware of public disclosures," a June email said.

Mr. Pruitt currently faces 11 investigations into his spending and management at the E.P.A., many of which stem from the appetite for secrecy. He is under investigation for first-class travel at taxpayer expense, his elaborate security detail and the purchase of a \$43,000 soundproof booth for making telephone calls.

Separately, a New York Times investigation found that, in 2003 when he served as a legislator in Oklahoma, Mr. Pruitt bought a home in a transaction that involved two lobbyists with business before the state, and disguised the purchase by using a shell company.

The emails document Mr. Pruitt's top aides taking steps to block the public from his appearances.

For example, in Nevada, Iowa, organizers of an event celebrating Mr. Pruitt's plans to repeal an Obama-era water regulation that many ranchers dislike informed the E.P.A. that they had already announced the event as open. "This has been sold as a town hall meeting" — meaning anyone could ask questions — wrote Bill Couser, an Iowa cattle farmer who was helping organize the December event, in an email to the E.P.A.

In Washington, E.P.A. officials objected.

"With a crowd of 300 people plus open press, we have to stick with the questions we currently have," Millan Hupp, Mr. Pruitt's scheduling director, replied. "My sincere apologies for causing any difficulty but we cannot do open q&a from the crowd."

The agency prevailed. Mr. Pruitt answered questions presented to him by Mr. Couser that were written by E.P.A. officials, according to the emails and a video recording of the event.

Efforts like these to prevent reporters from attending events were not a part of the playbook for past E.P.A. administrators, according to spokeswomen for Christine Todd Whitman, who served in the George W. Bush administration, and Lisa Jackson and Gina McCarthy, who served under President Barack Obama. "They didn't selectively inform the press or take any steps to keep things secret," Heather Grizzle, a spokeswoman for Ms. Whitman, said.

Mr. Pruitt takes a different approach. The emails show agency officials defining prospective guests at events as friendly or unfriendly, and reorganizing events at the last minute if there are concerns that people who are considered unfriendly might show up.

"Sixteen friendly Industry leaders will be invited to attend they will arrive at 8:30 with the Administrator expected to arrive at 9:00 a.m.," said one memo, shared among top E.P.A. officials last September, in advance of a visit by Mr. Pruitt to Colorado Springs, where Mr. Pruitt was scheduled to speak with the National Association of Homebuilders. The event was closed to the public and not announced publicly ahead of time.

Gerald M. Howard, the organization's top executive, "will moderate Q&A on Industry issues set forth in advance and possibly from the audience — who are all industry friendly and supportive of Mr. Pruitt and his efforts," the description said.

In another instance, after a Missouri news outlet discovered, and tweeted, that Mr. Pruitt was planning to speak to about 150 representatives of electric cooperatives and power-plant owners last April, E.P.A. staff went into damage-control mode.

The meeting had not been publicly disclosed. Tate Bennett, who as associate administrator at the E.P.A. is in charge of environmental education, asked Barry Hart of the Association of Missouri Electric Cooperatives if the news organization, Missouri Network Television, was “the friendly outlet.” Shaun Kober, founder of Missouri Network Television, said “we just try to lay out the facts.”

Mr. Hart replied, “It is, but since it’s a public tweet you have to assume the world now knows including all news media ... even unfriendly.”

The group, in consultation with the E.P.A., had already discussed a strategy to counteract any negative comments that appeared on social media.

“Our plan will be to promote the feel-good activity and news from the event,” Gus Wagner, a public relations executive working with organizers, wrote in one email shared with the E.P.A. “Comments that are positive will be liked and possibly shared,” he wrote. “Comments that are derogatory and/or abusive will be hidden from public view. Commenter receives no notification this hiding has happened.”

Sometimes the E.P.A.’s approach to public relations — issuing announcements only after events were over — confused its hosts. Among them was Stephen Ciccone, a vice president for government affairs at Toyota Motor North America, which organized a visit by Mr. Pruitt to its Texas auto plant in August.

“I thought you all did not want any press coverage?” Mr. Ciccone wrote, unsure as to why the E.P.A. would issue a news release at all.

An email back from the E.P.A. explained the plan. The agency welcomed coverage as long as it was on the agency’s terms.

A release would be made “highlighting all the stops Administrator Pruitt makes during his visit to Texas,” the email said. As planned, government-issued photos of a smiling Mr. Pruitt and executives from Toyota were posted on the E.P.A.’s website soon after the event was over, describing it as an “action tour.”

The effort to control the event almost fell apart when one journalist caught wind of the trip.

“We just received an inquiry from a CBS News reporter in Dallas about the visit,” Mr. Ciccone wrote to the E.P.A. on the day of the event. “We won’t reply until the visit is over.”

In another instance not previously made public, Mr. Pruitt last June aided one of his longtime supporters, Richard Smotkin, who at that time was a Comcast lobbyist and who later helped organize Mr. Pruitt’s controversial trip to Morocco. (A month after that December trip, Mr. Smotkin became a \$40,000-a-month foreign agent promoting Morocco’s interests abroad.)

Mr. Smotkin’s June request ran into ethics questions within the E.P.A.: He had invited Mr. Pruitt to a fund-raiser for a nonprofit group that Mr. Smotkin helps run, the American Council of Young Political Leaders, which offers foreign-exchange programs for emerging political leaders. At the event, Mr. Pruitt would be presented with an award in the form of a globe engraved with his name.

“The Ethics department is asking me these questions about the event,” wrote Sydney Hupp, Mr. Pruitt’s scheduler (and the sister of Millan Hupp, who is also a scheduler for Mr. Pruitt. Both are former Pruitt campaign aides.) The questions had to do with the appropriateness of receiving an award at a fund-raising event.

After a series of emails, Millan Hupp wrote back to the staff at the nonprofit group with a solution: Don't refer Mr. Pruitt's job during the presentation.

"Yes, the Administrator may attend the event, and yes, he may receive the globe. But please do ensure that they refer to him as the Honorable (as opposed to the EPA Administrator)" Ms. Hupp wrote. "So, yay! It's been approved through ethics."

Daily Caller

<http://dailycaller.com/2018/05/07/exclusive-epa-scott-pruitt-body-guard-nino-perrotta-false-dirty-laundry/>

EXCLUSIVE: Scott Pruitt's Head Bodyguard Takes On The 'False Dirty Laundry' Being Spread About EPA [VIDEO]

By Michael Bastasch, 5/7/18, 12:36 AM

Many of the accusations against Environmental Protection Agency Administrator Scott Pruitt and his close aides were concocted by "disgruntled employees" looking to damage the agency, the former head of Pruitt's security detail said.

"I believe at the end of the day, these are disgruntled employees — staffers — who, for whatever reason, decided to air dirty laundry — false dirty laundry to the press," Nino Perrotta told The Daily Caller News Foundation in an exclusive interview.

Perrotta served as the special agent in charge of Pruitt's security detail for about a year, leading the administrator's protective detail as actuations of overspending and ethical violations. Congress and EPA's Office of Inspector General have multiple investigations into Pruitt's actions.

Perrotta retired at the end of April, ending his 14-year career at EPA amid investigations into Pruitt's security arrangements — including his 24/7 detail, hiring of more agents, and flying first class when traveling.

Former EPA official Kevin Chmielewski detailed many accusations against Pruitt, Perrotta and other top aides to congressional Democrats. Many of the accusations were "intentionally used to mislead the American people," Perrotta told TheDCNF.

Chmielewski was one of several EPA staffers allegedly sidelined for challenging Pruitt on spending decisions. However, Perrotta believes Chmielewski decided to come out against Pruitt after a January 2018 phone call.

During that call, Chmielewski vented to Perrotta about issues he was having with his pay, the former EPA security head said. Perrotta said he tried to help Chmielewski with his pay issue, but the former EPA official "began to threaten the EPA, specifically the administrator and the chief of staff, that he was going to talk to the press and everyone he could about," using colorful language, "how f-ed up the EPA was and how f-ed up the administrator was and how f-ed up the chief of staff was."

"I found that to be very, very bizarre," Perrotta said. "If you have differences, it should be aired through your chain of command."

Chmielewski called the next day, but given his tone and threatening statements on their previous call, Perrotta said he'd have to report the former EPA official. Perrotta filed the report with the agency.

Pruitt's been increasingly mired in negative news stories — many of them likely the result of Chmielewski talking to the press and Congress. News reports have already called into question the veracity of many of Chmielewski's claim.

For example, “a \$30,000 contract with private Italian security personnel entered into by” Perrotta ahead of Pruitt’s attendance of a G7 summit in Italy, Chmielewski told Congress. Perrotta would never have the authority to unilaterally enter into such a contract, the former EPA security head said.

“That is a false accusation,” Perrotta told TheDCNF. “A person at my level and grade in the agency would have the authority to do so.”

Chmielewski also told Democratic lawmakers “at least one security-related contract was awarded to an individual who works at Mr. Perrotta’s private security firm, and he believes that other contracts may also have been awarded to friends or associates of Mr. Perrotta’s.”

It’s true EPA hired Edwin Steinmetz to conduct a security sweep of Pruitt’s office in 2017, costing the agency \$3,000. Steinmetz is listed on the management team of Perrotta’s security firm he operates on the side, Sequoia Security Group.

Perrotta said he explained to superiors that Steinmetz, a security consultant, subcontracted through his side company, which EPA gave him approval to operate in 2013. EPA officials asked Perrotta in 2017 if he could recommend a company to conduct a security sweep of Pruitt’s office.

“The only reason that the vendor was selected,” Perrotta said, “is because there were issues within the agency of identifying a new vendor, which to me was bizarre.”

“It was clear to me, now, that certain people compared notes, shared information, and created this false narrative. And I believe the American people are going to see this, eventually,” Perrotta said.

You can watch TheDCNF’s entire interview with Perrotta here. And stay tuned for more.

Politico

<https://subscriber.politicopro.com/energy/whiteboard/2018/05/white-house-wont-comment-on-status-of-pruitt-conduct-review-1169417>

White House mum on status of Pruitt review

By Anthony Adragna, 5/7/18, 3:12 PM

White House Press Secretary Sarah Huckabee Sanders declined today to comment on the administration's ongoing review of the ethics and spending scandals dogging EPA Administrator Scott Pruitt, or whether President Donald Trump continued to stand by the embattled EPA chief.

"I don't have any personnel announcements on that front," Sanders said.

Asked whether the administration thought recently confirmed EPA Deputy Administrator Andrew Wheeler would continue the ongoing deregulatory efforts launched under Pruitt, Sanders replied: "Certainly, we have confidence in the number two, otherwise the president wouldn't have asked him to serve at such a senior-level position within the EPA."

The White House has said it's looking into the series of scandals surrounding Pruitt, but has provided little information and no updates about what that probe involves. Multiple observers told POLITICO Wheeler would be well-positioned to continue Pruitt's agenda if he became acting administrator without the baggage.

The Hill

<http://thehill.com/homenews/media/386259-cnn-panel-cracks-up-laughing-during-discussion-of-pruitt-allegations>

CNN panel breaks down laughing while discussing Pruitt allegations

By Morgan Gstalter, 5/4/18, 3:11 PM

A panel of CNN commentators burst out laughing Friday during a discussion involving Environmental Protection Agency (EPA) Administrator Scott Pruitt's reported "beyond laughable" corruption.

The group was discussing a series of reports regarding Pruitt's high travel expenses and other controversies surrounding the department head's ethics when panelists broke down in laughter over a Thursday report published by The Atlantic.

The report claimed that a member of Pruitt's press team was trying to shop negative stories about Interior Secretary Ryan Zinke to the press in an effort deflect attention from his boss.

"I mean, come on!" CNN host John King said with a laugh.

CNN reporter Kaitlan Collins said it appeared as if there's nothing Pruitt could do to cost him his job.

"This guy has like nine lives," Collins said.

King asked viewers at home to close their eyes and imagine what would happen if an EPA administrator in another administration behaved like Pruitt.

"If this were any other administration, never mind if Hillary Clinton were president, and the EPA had 11 investigations, daily headlines and the Republicans are crickets on this," King said.

Only a few GOP lawmakers have commented on Pruitt's scandals, King said.

The panel said donors and supporters of President Trump are standing by Pruitt because they approve of his efforts to cut Obama-era regulations.

"What has saved Pruitt up until now is this sense that he is accomplishing more than any other Cabinet secretary on the agenda," New York Times reporter Michael Shear said.

But even that feeling is "beginning to fray around the edges," Shear said.

"You begin to think, first of all, will all the investigations hamper any futures efforts that he could do to promote the deregulatory agenda," Shear said. "And is he sort of making mistakes along the way, legally and other ways, that's going to undermine what he's already done?"

As Pruitt faces intense scrutiny for questionable expenditures and other ethical practices, his department is facing a period of rapid departures, losing four aides in the past five days.

Pruitt appeared before House lawmakers last month to defend himself. He is scheduled to testify before a Senate panel later this month, CNN reported.

Politico

<https://www.politico.com/story/2018/05/05/scott-pruitt-epa-andrew-wheeler-570641>

The man who could replace Scott Pruitt

By Eric Wolff, 5/5/18, 6:43 AM

The man poised to take the reins at the Environmental Protection Agency if Scott Pruitt falls to scandal is a longtime Washington insider and coal lobbyist who would pursue the same anti-regulation agenda — only without all of Pruitt's baggage.

Andrew Wheeler, sworn in as EPA's deputy administrator in late April after a six-month confirmation battle, has spent decades in what President Donald Trump calls "the swamp," first as a top aide to Sen. Jim Inhofe (R-Okla.) at the Environment and Public Works Committee, then as an energy lobbyist for clients such as the politically active coal company Murray Energy.

In contrast to Pruitt, an Oklahoma conservative who has alienated even some fellow Trump-supporting Republicans, Wheeler is a smooth insider with a penchant for policy details and a reputation for working well with both friends and adversaries. But those who have dealt with him say he's on board with the broad deregulatory agenda that Pruitt and Trump are pursuing.

That presents a paradox for environmental groups, who would welcome Pruitt's departure but fear his replacement would be a much more formidable opponent.

"Wheeler is much smarter and will try to keep his efforts under the radar in implementing Trump's destructive agenda," said Jeremy Symons, vice president for political affairs at the Environmental Defense Fund. "That should scare anyone who breathes."

Symons noted that many of Pruitt's aggressive deregulatory efforts have run into trouble in federal courts.

"The problem with the Pruitt approach is it's like a sugar high," said Jeff Navin, a Democratic lobbyist and former Energy Department staffer who has shared lobbying clients with Wheeler. "It feels really, really good for a moment, but if you're not following rules and procedure, not laying down substance for the decision you're making, you're not going to last very long."

Another person who has worked with Wheeler said: "He's like Mike Pence is to Trump. ... He's behind the scenes. He'll get a lot done and doesn't need to be in the news."

Pruitt is hanging on so far, with Trump's public backing, despite a welter of investigations into his first-class travels, expensive security arrangements and relations with industry lobbyists. But if Pruitt goes down, Wheeler would have the task of managing a 14,000-employee agency where much of the career staff, and even many Republican political appointees, have been demoralized by the cascade of scandals.

As the agency's No. 2, Wheeler could immediately fill Pruitt's shoes as acting administrator, though Trump could insert someone above him in a temporary capacity. Although Trump would also have the option of nominating someone else as a permanent successor, Senate Republicans have questioned whether any nominee could win confirmation this year.

Besides his personal troubles, Pruitt arrived at EPA as one of its most determined adversaries, having filed a series of lawsuits in concert with industry groups to overturn the agency's Obama-era climate and environmental regulations. Pruitt's security team also blocked most agency employees from entering rooms and corridors near his third-floor offices.

Wheeler, in contrast, came to the agency steeped in its work. He spent four years working at EPA at the start of his career, before going on to work for Inhofe and the Senate environment committee. He helped create the federal ethanol mandate that remains a major source of friction for EPA, dividing Republicans in the Senate. He also represented coal magnate Bob Murray as a lobbyist through the battles over the Obama administration's climate regulations for power plants, and then later in trying to persuade the Energy Department to bail out financially ailing coal power plants.

Former Hill colleagues emphasize his ability to find common ground with political opponents, including former Sen. Jim Jeffords (I-Vt.), and liberal former Democratic Sen. Barbara Boxer of California, both of whom have chaired the environment committee. Matt Dempsey, who worked for Wheeler under Inhofe, said Wheeler's ability to find common cause was one factor in the Jeffords-Inhofe and Jeffords-Boxer relationships that led to passage of highway bills and other major legislation.

"A lot of that is due to Andrew," said Dempsey, now a managing director at FTI Consulting. "He has an ability to work across the aisle and get things done."

That ability to work the Hill could be critical at EPA, where Pruitt's work on making changes to the ethanol program has divided oil-state and corn-state Senate Republicans. Those efforts have especially infuriated corn supporters led by Sen. Chuck Grassley (R-Iowa), who accused Pruitt this week of "screwing the family farmer."

Wheeler's former colleagues think he might be able to smooth those waters.

"He is someone who, generally on policy, though we might not always agree, is someone who will listen to the other side of the aisle on how we formulate policy," a Democratic aide who has worked with Wheeler told POLITICO, noting that that trait could be especially important if the House or Senate flips after the midterms. "Being a product of the Senate and of the Congress, it will be much easier for those who are here to interact with him."

Among other things, the Democratic aide said, Wheeler respects Congress' role in the authorization and appropriations process and would be much more willing to appear at congressional hearings — unlike Pruitt, who has been scarce on the Hill.

The aide also said they think Wheeler's reputation as a "rule-driven" staffer would ensure stricter adherence to ethics standards at the agency.

Wheeler may also be better able to repair the fractured relationship between the political appointees at the top of the agency and career staff, who have felt left out or ignored by Pruitt on key issues. Wheeler has spent some of his first days back at the agency visiting the offices of career staff and making introductions, a marked change from his boss, according to an EPA official.

"The impression he creates is very personable, respectful, good listener," said another EPA employee. "He's very interested in being involved in the substantive issues. He's ready to get involved in our issues."

Still, most of the people interviewed agreed that Wheeler would advance Trump's and Pruitt's agenda of undoing major Obama-era regulations, including the power plant climate rule and a sweeping measure on streams and wetlands.

"I think that Andrew is well aware of the president's agenda, and the parts of the agenda that are the responsibility of the EPA," said Andy Ehrlich, now a partner at the lobbying and political consulting firm Total Spectrum, who recruited Wheeler from the Hill in 2009 to the law firm Faegre Baker Daniels and worked with him for years. "I would expect based on my experience with Andrew to do what he can to see that the president's agenda at the EPA is fulfilled in a methodical and thoughtful way."

Pruitt and Wheeler may have some small differences: The Democratic aide said Wheeler might offer more support to the agency's research, in contrast to Pruitt. But people who know Wheeler see him as a "true believer" in rolling back regulations who is comfortable in the weeds of policy.

That's the worry of environmental groups, which note the years Wheeler spent working with Inhofe, who calls human-caused global warming a "hoax," and Murray, a fierce opponent of EPA's climate regulations.

Wheeler's "entire professional career, most of it has been devoted to resisting attempts to improve the quality of our air and our water and the safety of our communities," said Sierra Club Executive Director Michael Brune. "He fought against

safeguards to limit mercury poisoning. He fought against protections to limit the amount of ozone in our skies. He fought against air pollution from neighboring states. He's a climate denier. So, sadly, he fits in well with EPA leadership."

Environmental groups also believe Wheeler has his own ethics baggage, citing reports that he held fundraisers for political patrons in the months ahead of his official nomination to EPA. Brune held out one bit of hope — that Wheeler would face the same obstacles as Pruitt in turning back EPA's environmental protections.

"Any executive with EPA, administrator or deputy, will have a hard time trying to flout the findings of the scientific community and operate against the public will," Brune said. "I don't think Wheeler would be more effective at that than Pruitt has been."

The Hill

<http://thehill.com/policy/energy-environment/386281-upheaval-at-pruitts-epa-as-departures-mount>

Upheaval at Pruitt's EPA as departures mount

By Miranda Green, 5/6/18, 6:00 AM

The Environmental Protection Agency (EPA) appears to be in a state of massive upheaval following the departure of several aides and new allegations against the agency's embattled administrator, Scott Pruitt.

Four officials at the agency have stepped down in the past week, an exodus that has deprived Pruitt of some of his closest aides.

Meanwhile, several new controversies have exploded around Pruitt regarding his travel and his ties to lobbyists.

People with knowledge of the departures at EPA likened them to getting out of Dodge, either due to impending investigations or simply a desire to escape a tumultuous work environment. One source described the offices at EPA as "eerily quiet" this week.

The first resignation came Tuesday, when Albert Kelly, a close friend of Pruitt's who was hired to lead the EPA's Superfund program, announced his departure.

The week before Kelly's resignation, two Democratic House members had asked EPA's inspector general to investigate Kelly's qualifications and "unexplained red flags." Once someone leaves government employment, the inspector general's office cannot compel someone to comply with an investigation.

Lawmakers became interested in Kelly after it emerged in December that he had been banned for life from working in the banking sector. Reports also asserted that Kelly had helped get Pruitt financing for a mortgage and to buy a minor league baseball team.

Tuesday also brought the departure of Pruitt's head of security, Pasquale Perrotta, a career official who previously worked at the Secret Service. He said he was leaving the EPA because press coverage was taking a toll on his family.

Perrotta's resignation came the day before he was to testify in front of the House Oversight and Government Reform Committee, which is looking into various incidents at the EPA.

Perrotta had been under the microscope for decisions he'd made as Pruitt's security chief as well as reports that he used his power to influence a number of EPA security contracts, including an April 2017 security sweep in the administrator's office completed by his business partner at an outside security group.

EPA's Office of Inspector General announced in late April that they were investigating Pruitt's "use of staff and expenditures for security measures."

Kevin Chmielewski, a former EPA political aide turned whistleblower, alleged to lawmakers in early April that Perrotta retaliated against him at EPA when he had pushed back on Pruitt's travel expenses.

Chmielewski told lawmakers that in February he returned from a work trip to Japan to find his office locked and credentials revoked. Perrotta later called him, he said, and demanded he also return his parking pass, saying he would personally go to Chmielewski's home to forcibly retrieve it.

By the end of the week, members of Pruitt's communications team were also jumping ship.

On Thursday, Pruitt's top public affairs official, Liz Bowman, announced she was leaving the agency to join Sen. Joni Ernst's (R-Iowa) communications department on Capitol Hill.

She would not say how long the move had been planned, but said "it was time."

The next day, the press office's second in command, John Konkus, announced he was also leaving, this time to take a position at the Small Business Administration.

Konkus had previously been named in a report as the EPA staffer tasked with sifting through EPA grant awards to make sure they didn't conflict with the Trump administration's deregulatory goals.

Pruitt's tenure has been marked by controversy, a storm of accusations that he denounced in congressional testimony as "fiction" concocted by his opponents.

Among other things, Pruitt has faced scrutiny for frequently traveling first class on business trips, for utilizing a round-the-clock security team even on personal trips and for renting a room from the wife of a then-lobbyist in Washington.

When lawmakers pressed him about those accusations and others in his late April testimony, Pruitt often shifted blame to top aides and denied knowledge of things that were done on his behalf — including significant raises given to two EPA aides who came to D.C. with Pruitt from Oklahoma, where he had been attorney general.

Since the testimony, the EPA has faced a new onslaught of negative headlines. Reports have broadly asserted that Pruitt and EPA political aides had planned multiple foreign trips for the administrator with help from lobbyists and consultants who had business interests abroad.

Amid the negative headlines and staff turnover, The Atlantic reported that Michael Abboud, a member of the EPA's press team, had been shopping a negative story about Interior Secretary Ryan Zinke in an attempt to take the heat off Pruitt. A source with knowledge of the reported incident confirmed to The Hill that Abboud was pitching the negative story.

EPA spokesman Jahan Wilcox has called the report "categorically false."

Abboud previously worked at America Rising, a conservative opposition research group. He's also related to Andy Abboud, senior vice president of government relations and community development for billionaire Sheldon Adelson's Las Vegas Sands Corporation. Adelson is a prominent Republican donor.

Adelson figured predominantly in helping Pruitt plan a scheduled February trip to Israel, the Washington Post reported late Thursday. The trip was canceled after controversy erupted over Pruitt's use of first-class air travel.

Andy Abboud confirmed to the Post his own involvement in planning Pruitt's Israel agenda.

A House Democratic aide said that it would be hard to tell just how lawmakers will respond to the latest events once they come back from recess Monday, but suggested the latest developments have cast a cloud over Pruitt's testimony in late April. Specifically, the aide pointed out that Pruitt had testified that the agency did not retaliate against internal whistleblowers, despite Chmielewski alleging the contrary, and had said his real estate dealings with lobbyists weren't serious, despite new reports that he had once co-owned a home with one.

"If we were in the majority now, we'd be accusing him of perjury," the aide said.

Politico

<https://www.politico.com/story/2018/05/04/scott-pruitt-rent-lobbyist-couple-fine-569678>

Couple who rented condo to Pruitt pays fine to D.C.

By Anthony Adragna, 5/4/18, 4:35 PM

The lobbyist couple whose condo EPA Administrator Scott Pruitt leased for \$50 a night paid a \$2,034 fine Friday for wrongly renting out the property, a spokesman for the D.C. Department of Consumer and Regulatory Affairs said.

"The owner agreed to pay the fine for engaging in a business without a housing residential license," the spokesman told POLITICO.

Pruitt rented the condo for several months last year from Vicki Hart. It emerged in late April that Pruitt had met with her lobbyist husband, Steven Hart, despite his denials, and that Hart had also recommended three people to serve on the agency's Scientific Advisory Board.

The Harts' condo arrangement with Pruitt was already rocky. The EPA chief was reportedly slow to pay his rent and the Harts eventually had to change the locks.

Daily Caller

<http://dailycaller.com/2018/05/04/gop-lawmakers-target-epa-mining/>

GOP Lawmakers Target 'Tool Of Tyranny' EPA Used To Kill Mining

By Jason Hopkins, 5/4/18, 2:55 PM

Republican lawmakers have been largely satisfied with EPA Administrator Scott Pruitt's work rolling back industry regulations, but they are voicing their disgust with his decision to keep in place a preemptive veto of an Alaskan mine project.

Eighteen GOP congressmen, led by the Western Congressional Caucus, issued a letter on Thursday to Pruitt, urging him to reverse course on his decision to maintain an Obama-era preemptive veto on the Pebble Mine project in southwest Alaska.

"We write to express our concerns with regard to the EPA's decision not to scrap the Obama Administration's preemptive veto, also known as the Proposed Determination, for the prospective Pebble Limited Partnership mining project," the letter began, going into detail as to why the Obama administration was wrong to block proper review of the project. "In a future administration, this dangerous precedent could be utilized as a tyrannical tool ... It therefore poses a threat to the integrity of our entire project review system while casting the spectre of a double standard over this particular project."

Pebble Mine is the name of a proposed mining project in the Bristol Bay region of Alaska, an area that contains deposits of gold, porphyry and molybdenum. However, the project was derailed by the previous administration in a move that many critics framed as unlawful and unprecedented. In February 2014, the Obama-led EPA vetoed Pebble's progress before it received an environmental review from the Army Corps of Engineers — the regular process under the Clean Water Act. Instead of weighing in upon the review, the EPA blocked the proposal by circumventing the entire process.

Pruitt gave indications that he would repeal this veto when he began at the EPA. However, in a surprise move, Pruitt announced on Jan. 26 he would be keeping Proposed Determination in place. The EPA chief ultimately ruled that "any mining projects in the region likely pose a risk to the abundant natural resources that exist there." In its determination, the agency added that more than 1 million comments had been submitted to them, mainly in opposition to the project.

Pebble Mine proponents said Pruitt's moves are tarnishing his reputation as a successful and prolific reformer of the agency he leads.

"The preemptive veto of the Pebble project in Alaska — a holdover of the Obama EPA — is the one glaring blemish staining Administrator Pruitt's record," said Republican Rep. Paul Gosar of Arizona in a statement issued Thursday. "This kind of power-grab has no place surviving into a Republican administration — not least because we know future Administrations would be glad to abuse such power in even more severe ways."

Gosar is joined by a number of other Republicans and related association groups in calling for the veto to be struck.

Washington Examiner

<https://www.washingtonexaminer.com/opinion/op-eds/the-epas-new-secret-science-rule-makes-sense-from-a-risk-assessment-perspective>

The EPA's new 'secret science' rule makes sense from a risk-assessment perspective

By Michael L. Dourson, 5/6/18, 12:00 AM

Environmental Protection Agency Administrator Scott Pruitt's recent announcement that EPA will not use "secret science" — that is science for which the underlying data is not available — is challenging. Whereas EPA is routinely in receipt of unpublished toxicity studies for chemicals designed for commerce, not all important scientific findings are publishable. Nor do scientific journals generally have sufficient space to include all data.

Much has been made in recent weeks of this new EPA policy, including an op-ed opposing it by former EPA Administrator Gina McCarthy and former acting Assistant Administrator Janet McCabe.

The media coverage has focused attention on how science is considered acceptable and useful in EPA's rulemaking. But missing from this is the perspective of risk scientists charged with protecting public health. In the case of EPA, it is often not enough for any one positive study to be published in a peer-reviewed journal. Such work often needs replication because a positive finding occurs, on average, in one out of every 20 studies due to chance.

If a study cannot be replicated, then it at least needs to make sense within the pattern of available data. For pesticides regulated by EPA, these data are often from hundreds of studies done according to federal guidelines.

Studies that are not replicated or that do not make sense in an overall pattern are still considered, however. Risk scientists will often contact the authors to obtain additional information in order to conduct their own analysis, a common practice within EPA.

When such data are forthcoming, without the need to break confidentiality or disclose confidential business information, independent analyses can be conducted and the public health is better served. But when such information is withheld by the authors, government risk scientists are often left with a dilemma.

For example, imagine that a series of studies come out on a single human group that is exposed to a commonly used insecticide, and they show an unexpected effect at extremely low exposures. This finding has not been replicated and clashes with multiple animal and human studies that point to danger only at much higher exposures.

In this case, EPA scientists would ask the authors for the underlying data to confirm this unexpected low-dose effect. But let's say they can't get it. EPA is then left with neither confirmatory studies, nor information that makes sense in light of other studies, nor the ability to conduct its own analysis. Understandably, Pruitt has chosen a policy of not using such studies.

There is one sense in which McCarthy and McCabe are spot on. The judgment over which epidemiology and/or toxicology data to use for risk or safety assessment purposes should be left to risk scientists. But from my perspective as a risk scientist, Pruitt's decision is still correct. The public's interest is best served when science is replicable and consistent with other information. When studies cannot be replicated or are inconsistent with other information, access to their underlying data is vital to independent analysis. When the underlying data are not provided to a risk scientist, it is difficult to use this study to make a credible risk judgment, much less national rulemaking.

In short, the public is often worried about chemical exposure, as they should be when such exposure exceeds a safety level. But the public's interest is best served by trusting in experts dedicated to public health protection, not by withholding scientific data from independent analysis.

Michael L. Dourson, formerly Trump's nominee as Assistant EPA Administrator, is a board-certified toxicologist serving as director of science at the 501(c)3 environmental science NGO Toxicology Excellence for Risk Assessment. Prior to this, he was a senior adviser in the Office of the Administrator at the U.S. Environmental Protection Agency.

Reuters

<https://www.reuters.com/article/us-autos-emissions/major-automakers-urge-trump-not-to-freeze-fuel-economy-targets-idUSKBN1I821P>

Major automakers urge Trump not to freeze fuel economy targets

By David Shepardson, 5/7/18, 2:03 PM

WASHINGTON (Reuters) - Major automakers are telling the Trump administration they want to reach an agreement with California to avoid a legal battle over fuel efficiency standards, and support continued increases in mileage standards through 2025.

"We support standards that increase year over year that also are consistent with marketplace realities," Mitch Bainwol, chief executive of the Alliance of Automobile Manufacturers, a trade group representing major automakers, will tell a U.S. House of Representatives panel on Tuesday, according to written testimony released on Monday.

The Trump administration is weighing how to revise fuel economy standards through at least the 2025 model year, and one option is to propose freezing the standards through 2026, effectively allowing automakers to delay investments in technology to cut greenhouse gas emissions from burning petroleum.

The National Highway Traffic Safety Administration has not formally submitted its joint proposal with the Environmental Protection Agency to the White House Office of Management and Budget for review. Even so, last week, California and 16 other states sued to challenge the Trump administration's decision to revise U.S. vehicle rules.

Auto industry executives have held meetings with the Trump administration for months and have urged the administration to try to reach a deal with California even as they support slowing the pace of reduction in carbon dioxide emissions that the Obama administration rules outlined.

One automaker official said part of the message to President Donald Trump at a meeting on Friday will be to consider California like a foreign trade deal that needs to be renegotiated. Automakers want to urge him to get automakers a “better deal” – as opposed to potentially years of litigation between major states and federal regulators.

On Friday, Trump is set to meet with the chief executives of General Motors Co, Ford Motor Co, Fiat Chrysler Automobiles NV and the top U.S. executives of at least five other major automakers, including Toyota Motor Corp, Volkswagen AG (VOWG_p.DE) and Daimler AG, to talk about revisions to the vehicle rules. Senior EPA and Transportation Department officials will also attend.

Environmental groups are eager to keep the rules in place, saying they will save consumers billions in fuel costs. A coalition of groups plans to stage a protest outside Ford’s headquarters in Michigan.

The Obama administration’s rules, negotiated with automakers in 2011, were aimed at doubling average fleetwide fuel efficiency to about 50 miles (80 km) per gallon by 2025.

Heidi King, the Trump administration’s nominee to head NHTSA, which oversees Corporate Average Fuel Economy (CAFE) rules, is set to have a confirmation hearing on May 16 before the Senate Commerce Committee.

Reuters

<https://www.reuters.com/article/us-usa-epa-lawsuit/illinois-to-sue-epa-for-exempting-foxconn-plant-from-pollution-controls-idUSKBN1I52NB>

Illinois to sue EPA for exempting Foxconn plant from pollution controls

By Valerie Volcovici, 5/4/18, 6:42 PM

WASHINGTON (Reuters) - Illinois’ Attorney General said on Friday she plans to sue the U.S. Environmental Protection Agency for allowing a proposed Foxconn Technology Co Ltd plant in neighboring Wisconsin to operate without stringent pollution controls.

On Tuesday, the EPA identified 51 areas in 22 states that do not meet federal air quality requirements for ozone, a step toward enforcing the standards issued in 2015.

An exempted area was Racine County, Wisconsin, just north of the Illinois border that is known to have heavily polluted air, where Taiwan-based Foxconn is building a \$10 billion liquid-crystal display plant.

Pollution monitoring data show the county’s ozone levels exceed the 70 parts per billion (ppb) limit. If Racine County had been designated a “non-attainment” area, it would have required Foxconn to install stringent pollution control equipment.

Attorney General Lisa Madigan said she would file a lawsuit in the District of Columbia Circuit Court of Appeals challenging the EPA’s ozone designations, saying its failure to name Racine County a “non-attainment” area puts people at risk.

“Despite its name, the Environmental Protection Agency now operates with total disregard for the quality of our air and water, and in this case, the U.S. EPA is putting a company’s profit ahead of our natural resources and the public’s health,” Madigan said in a statement.

The EPA, under Administrator Scott Pruitt, left Racine County off its non-attainment list despite an agency staff analysis of ozone levels in Wisconsin published in December, which found that the county’s air exceeded federal ozone limits.

Wisconsin Governor Scott Walker, who supports bringing Foxconn to Wisconsin, tweeted on Tuesday that the state would work with EPA “to implement a plan that continues to look out for the best interest of Wisconsin.”

Wisconsin’s Republican-controlled state Assembly last year voted to approve a bill that paves the way for a \$3 billion incentives package for a proposed by Foxconn.

BNA

http://esweb.bna.com/eslw/display/no_alpha.adp?mode=si&frag_id=133387490&item=408&prod=deln&cat=AGENCY

Industry Heated as EPA Stays Silent on Global Coolant Deal

By Abby Smith, 5/7/18

Appliance manufacturers and chemical makers have had enough of the Trump administration's silence on a global deal to reduce climate-warming coolants, and they've got a message for the EPA: Speak up.

For months, the U.S. refrigeration and chemical industries have quietly lobbied the Trump administration to support a 2016 global agreement to phase down hydrofluorocarbons, or HFCs, refrigerant chemicals that are highly potent greenhouse gases. And though a State Department official offered tentative backing for the deal late last year, it's unclear if the industry is any closer to convincing the president to send the pact to the Senate for ratification, where it would face an uphill battle in the Republican-controlled chamber.

The industry is now shifting the onus to the Environmental Protection Agency. It's not enough for EPA head Scott Pruitt to tell companies the agency isn't standing in the way of ratification, industry representatives said. Companies want the administrator or agency air chief Bill Wehrum to publicly urge the president to move forward with the HFC deal.

“He can say that without a legal opinion. That isn't going to hurt him,” Kevin Fay, executive director of the Alliance for Responsible Atmospheric Policy in Washington, D.C., told EPA officials at a May 4 stakeholder meeting.

Fay said the agency owes that much to the industry, which has invested billions of dollars to transition away from HFCs and to manufacture climate-friendly alternatives.

“You have all these people now wondering where they stand in the process,” Fay added. “You have got to say something more than, ‘We don't know.’”

Interagency Process

EPA officials, though, largely dodged industry questions about where the agency stands on the HFC deal, known as the Kigali Amendment. They said the EPA is engaged in an ongoing interagency process to determine a path forward.

“The administration hasn't been saying much, but that doesn't mean nothing is happening,” Wehrum, who sat in on the latter half of the meeting, told stakeholders. He said several parts of the administration, including the departments of Commerce and Defense, were participating in discussions.

But Wehrum and other EPA officials declined to take a substantive position on the Kigali agreement.

The agency can't speak unilaterally for a multi-agency deliberation process, said Justin Schwab, EPA's deputy general counsel. But he also told a frustrated Fay, “I just want you to know how seriously we are taking this.”

Economic Impact

The EPA held the May 4 meeting to discuss April 13 guidance stating it won't implement Obama-era limits on the use of HFCs while it rewrites them. Last summer, a federal appeals court partially struck down those limits, which would have been the foundation for U.S. compliance with the Kigali deal.

Agency officials said they aim to provide certainty to industry in the forthcoming rewrite process—but almost all companies represented at the meeting said ratifying the Kigali deal would offer the greatest amount of clarity. Even representatives from the two chemical companies that brought the winning lawsuit against Obama-era HFC limits, Mexichem Fluor Inc. and Arkema Inc., reiterated their strong support for the Kigali agreement.

Congress has weighed in, too. A bipartisan group of senators—led by Sens. John Kennedy (R-La.) and Tom Carper (D-Del.)—introduced legislation in February that would direct the EPA to establish a market-based system to implement the HFC deal's requirements.

Industry is trying to speak about the Kigali deal in the Trump administration's language. A May 3 [report](#) from the Alliance for Responsible Atmospheric Policy and the Air-Conditioning, Heating & Refrigeration Institute said ratification of the agreement would add 33,000 manufacturing jobs to the industry by 2027. The report also estimated an additional \$12.5 billion of manufacturing output in the sector per year would result from Kigali ratification.

Without Kigali, U.S. companies could see their investments go elsewhere and their products priced out of foreign markets, said Charlie Hon, sustainability and government affairs manager for the Missouri-based True Manufacturing Co., Inc., which specializes in commercial refrigeration products.

“That's a direct reversal of what this administration promises. Working ourselves out of jobs is not what we're looking for,” Hon told EPA officials. “If we don't have this regulatory stability, we're going to lose. It's just plain as day to us as a corporation.”

The Spokesman-Review

<http://www.spokesman.com/stories/2018/may/05/epa-declines-to-test-air-downwind-of-lead-smelter/>

EPA declines to test air downwind of lead smelter in British Columbia

By Becky Kramer, 5/5/18

The state of Washington will look for money to conduct air quality monitoring downwind of a Canadian smelter after the federal government declined to restart the testing.

Trail, British Columbia, is home to one of the world's largest lead and zinc smelters and refineries. The community of Northport, Washington, is about 20 miles south of the smelter.

Two years of air monitoring would cost about \$300,000. The state Department of Ecology will look into options for funding the work, including grants or agency funding, said Brook Beeler, an Ecology spokeswoman.

More than 100 local residents sent a petition to the U.S. Environmental Protection Agency in December, asking the agency to install air monitors from Northport to the U.S.-Canadian border.

The petition came after state modeling indicated Teck Resources Ltd.'s smelter could be sending the highest known airborne levels of arsenic and lead in Washington, Idaho and Oregon over the border.

Air quality monitoring hasn't been conducted on the Washington side of the border since 2009.

So, state Department of Ecology officials used six years of data from British Columbia's government to project levels of heavy metals crossing the border from 2009 to 2014.

Average lead and arsenic levels modeled at the international border and in Northport were several times higher than the Northwest's next-largest reading, which was taken in an industrial area of Seattle. The modeling also indicated elevated levels of cadmium.

The heavy metals in the emissions wouldn't pose a short-term risk to Northport-area residents, but long-term inhalation could increase cancer risks, according to the Department of Ecology.

The Northeast Tri-County Health District also supports the monitoring to determine whether a public health risk is present.

EPA officials, however, disagree that additional monitoring is needed.

"From our evaluation of data collected in 1999 to 2009, we believe that the risk to you from the outdoor air in Northport is low," wrote Cami Grandinetti, a manager in EPA's remedial cleanup program, in an April letter.

Based on additional improvements at the smelter, "we expect current day operations to be even lower," Grandinetti said in the letter.

Teck has spent more than \$1.5 billion modernizing the Trail smelter since the mid-1990s. Company officials recently said they've reduced air and water emissions by more than 95 percent.

About 45 people attended a meeting with EPA officials Thursday night in Northport.

AP

<https://apnews.com/e495266bd5e7490ab3e86dbe1713943f/EPA-requests-new-contamination-testing-at-Michigan-tannery>

EPA requests new contamination testing at Michigan tannery

5/7/18

ROCKFORD, Mich. (AP) — Federal environmental officials are resuming an investigation into contamination at a former tannery in western Michigan five years after the Environmental Protection Agency left the site under state control.

The Grand Rapids Press reports that the EPA says new testing will begin this month at the former manufacturing site where Wolverine World Wide used chemicals to waterproof shoe leather.

The EPA has requested Wolverine conduct extensive soil and groundwater sampling across the Rockford property. The site has been open to the community and used as a space for events since 2010.

Recent testing found extremely high levels of per- and polyfluoroalkyl substances at the site. But the EPA is focusing its probe on other contaminants as well.

Wolverine says it's working with regulators and expects to begin fieldwork this summer.

E&E Greenwire

<https://www.eenews.net/greenwire/stories/1060081005/search?keyword=EPA>

Agency employees, Jeff Bezos up for government 'Oscars'

By Nick Sobczyk, 5/7/18

Employees from EPA and the departments of Energy and the Interior are in the running for distinguished civil service awards.

The Partnership for Public Service yesterday announced 27 finalists for its Samuel J. Heyman Service to America Medals, known as the "Sammies" for short.

The group will be honored at a ceremony tomorrow to commemorate Public Service Recognition Week, and seven winners will be crowned at an Oct. 2 gala in Washington.

"Amid the political headlines, it's easy to overlook our nation's career public servants who perform the essential day-to-day work of government," said Max Stier, president and CEO of the Partnership for Public Service, in a statement. "That's why the Service to America Medals are so important — they showcase the many remarkable men and women who assist their fellow Americans with passion to maintain the safety, health and prosperity of the nation."

Among the finalists for the career achievement medal is Gerald Ankley, an EPA research toxicologist who for decades has been at the forefront of studying chemical contamination in the Great Lakes.

His nearly 500 scientific papers have helped researchers identify chemicals like PCBs and dioxins in lakes and rivers and laid the groundwork for EPA regulations.

"He has that elite scientific knowledge and understanding, but there's no ambiguity in his commitment," Tina Bahadori, director of EPA's National Center for Environmental Assessment, told the partnership. "His job, his passion, is to do the work that makes this country and this planet a safer place to live. That's been his lifetime commitment and it's been unwavering."

Judith Lynn Allaire DesHarnais of the Army Corps of Engineers' St. Paul District is also up for the career achievement award for directing a series of major flood control projects. So is Allen Hefner of the National Institute of Standards and Technology for developing a power semiconductor model that revolutionized the electronics industry.

Interior's Mark Bathrick and his team of employees have been nominated for the homeland security and law enforcement medal for building the nation's largest civilian drone fleet. The department uses its 312 unmanned aerial vehicles to spot wildfires and pipeline leaks, as well as in wild horse roundups.

"Mark's program at Interior is the gold standard for civilian use of unmanned aerial vehicles in government," Philip Hall, who heads the drone initiative at NOAA, told the group.

DOE, meanwhile, will send Barbara Kutchko to the October gala. Kutchko is in the running for the science and environment medal for developing new industry standards for the foamed cement that lines oil wells after the 2010 Deepwater Horizon accident.

A pair of federal employees are also on the list of finalists for developing new ways to prepare for natural disasters. Tim Schmit is vying for the science and environment medal for helping create new weather satellite technology for NOAA. Jordan Manos is up for the promising innovation medal for saving the Federal Emergency Management Agency an estimated \$20 million with new damage assessment techniques in the aftermath of Hurricane Harvey.

The winners of the awards will be chosen by a group of leaders from the public and private sectors, including Axios founder and CEO Jim VandeHei, Reps. David Price (D-N.C.) and Phil Roe (R-Tenn.), author Michael Lewis, and American University President Sylvia Mathews Burwell.

The Partnership for Public Service calls its medals the Oscars of government service.

But the Oct. 2 gala could feature one person who has attended the real Oscars: Amazon CEO Jeff Bezos.

The group will award Bezos its first ever private-sector Service to America Medal for collaborating with the federal government on advancements in cloud computing, space exploration and sustainable energy.